

FILED
10/31/22 4:37 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Chapter 11 Case No. 20-10334-TPA
)
JOSEPH M. THOMAS, M.D.,) Related to Doc. No. 576
Debtor)

STIPULATION AND CONSENT ORDER

AND NOW, this 25th day of October, 2022, comes Quinn, Buseck, Leemhuis, Toohey, & Kroto, Inc. ("Quinn Law"), Marsh Schaaf, LLP ("Marsh Schaaf"), MacDonald Illig Jones & Britton, LLP ("MIJB"), and Knox McLaughlin Gornall & Sennett, P.C. ("Knox Law") (together referred to as the "Estate Professionals"), and file this Stipulation and Consent Order (the "Stipulation"), as follows:

WHEREAS, pursuant to, *inter alia*, Section VI(a) of the 2nd Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 521 in Case No. 20-10334 (the "Thomas Case")), filed by the Debtor, Joseph Martin Thomas, M.D. ("Dr. Thomas"), as confirmed by Order of Court dated January 7, 2022 (the "Thomas Confirmed Plan"), administrative professional fee claims shall be paid from the liquidation of personal assets;

WHEREAS, pursuant to, *inter alia*, Paragraph 5.3 of the Joint Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 769 in Case No. 20-10049 (the "Tri-State Case") (together with the Thomas Case, the "Cases")), filed by the Debtor, Tri-State Pain Institute, LLC ("Tri-State"), as confirmed by Order of Court dated January 7, 2022 (the "Tri-State Confirmed Plan") (together with the Thomas Confirmed Plan, the "Confirmed Plans"), Dr. Thomas contemplates paying Administrative Expense Claims for other Related Entities such as Tri-State;

WHEREAS, pursuant to the Order (Doc. No. 680) entered on Dr. Thomas's Motion to Approve Consignment Agreement with and Abandonment of Property to Inner-City Neighborhood Art House (Doc. No. 679), it appearing that there is \$3,841.65 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to Dr. Thomas and Tri-State having made regular deposits into escrow for the payment of Administrative Expense Claims in accordance with the Confirmed Plans, it appearing that after payment of prior Court Orders there is \$14,841.65 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to tax refunds claimed and received from Dr. Thomas's net operating loss carryback tax plan, it appearing that there is \$478,837.05 escrowed with Quinn Law that is available for distribution to administrative expense claims in these Cases;

WHEREAS, upon information and belief, both Dr. Thomas and Tri-State are current on all other payment obligations as set forth in their Confirmed Plans;

WHEREAS, upon consideration of the outstanding federal tax liabilities owed by Dr. Thomas for 2021 in the total amount of \$25,753.00;

WHEREAS, upon consideration of the allowed and pending fee applications in these Cases, including but not limited to those fee application schedules filed in these Cases on or about November 23 & 24, 2022 (Doc. Nos. 545 & 546 in Case No. 20-10334 and Doc. Nos. 790 & 796 in Case No. 20-10049), as well as subsequent fee applications filed by the Estate Professionals, it appearing that there is more than \$566,000.00 of fees payable to the Estate Professionals in these Cases;

THEREFORE, it is ORDERED that \$25,753.00 shall be immediately paid to the IRS on account of said administrative tax claim;

THEREFORE, based pro rata on the fees payable, it is ORDERED that \$471,767.35 shall
be immediately paid to the Estate Professionals on account, as follows:

<i>PAYEE</i>	<i>PERCENT OF AVAILABLE CASH</i>	<i>AMOUNT TO BE PAID</i>
Quinn Law	42%	\$195,940.47
MIJB	17%	\$81,335.68
Knox Law	25%	\$117,380.09
Marsh Schaaf	16%	\$77,111.11

Any remaining amounts due to the Estate Professionals pursuant to fee applications
approved in these Cases shall be paid in accordance with the Confirmed Plans.

Dated: 10/18/22


Thomas P. Agresti, Judge
United States Bankruptcy Court

STIPULATED TO BY:

/s/ Gary V. Skiba

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/s/ Michael P. Kruszewski

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/s/ Guy C. Fustine

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/s/ Gary Eiben

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In re:
Joseph Martin Thomas
Debtor

Case No. 20-10334-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Oct 31, 2022

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 02, 2022:

Recip ID	Recipient Name and Address
sp	+ Ashley Mulryan, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth St., Erie, PA 16501-1410
sp	+ Gary Eiben, MacDonald Illig Jones & Britton, LLP, 100 State St., Ste. 700, Erie, PA 16507-1459

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 02, 2022 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 31, 2022 at the address(es) listed below:

Name	Email Address
Andrew F Gornall	on behalf of Interested Party Barbara Noonan agornall@gornall-law.com
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Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
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Gary V. Skiba	on behalf of Interested Party Tri-State Pain Institute LLC gskiba@marshlaw.com, DGeniesse@marshlaw.com;rose227@hotmail.com

District/off: 0315-1

User: auto

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Date Rcvd: Oct 31, 2022

Form ID: pdf900

Total Noticed: 2

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